

UNITED STATES DISTRICT COURT DISTRICT OF
MASSACHUSETTS

Gregory C. Milton
Plaintiff, Pro' Se

v.

OFFICER Windell Jonsiey
OFFICER Sergeant Garcia
OFFICER Harry F. Scales
OFFICER Badge Number # 1762
the Boston police Department et.al.
and the city of Boston,
Defendants.

COMPLAINT
INTRODUCTION

1. This is an action for money damages brought pursuant to 42 U.S.C. SECTION 1983 AND 1988, and the Fourth and Fourteenth Amendments to the United States Constitution, and under the common law the Commonwealth of Massachusetts, against officer Windell Jones, officer Sergeant Garcia, officer Harry F. Scales and officer badge number # 1762, police officers of the city of Boston, in their individual capacities and against the city of Boston. Jurisdiction is based upon 28 U.S.C. SECTION 1331 and 1343, and on the pendent jurisdiction of this COURT to entertain claims arising under state law.
2. It is alleged that the individual police officer defendants made an unreasonable seizure of the person of Gregory C. Milton, violating his rights under the Fourth and Fourteenth Amendments to the United States Constitution, and that these defendants assaulted and battered Gregory C. Milton. It is further alleged that these violations and torts were committed as a result of policies and customs of the city of Boston.

Parties

2. Gregory C. Milton was at all material times a resident of Boston, Massachusetts, and of full age.
3. Defendant officers were at all times relevant to this complaint duly appointed and acting officers of the police department of the city of Boston, acting under color of law, to wit, under color of statutes, ordinances, regulations, policies, customs and usages of the Commonwealth of Massachusetts and/or the city of Boston.
4. The City of Boston, Massachusetts, is a municipal corporation and the public employer of the said officers.

Facts

5. On or about May 15, 1988, at approximately 8:00 pm, Gregory C. Milton left 16 Humphrey's place which was his then residence with his friend Robert (gus) Williams, and went to Ralph Liquors on Dudley Street to buy two six packs of beer after work.
6. As Milton and Williams left the liquor store, they were intercepted on the corner of Monadnock and Dudley Street by officers Windell Jones and Sergeant Garcia.

34. Plaintiff (MILTON) after getting stitches then called his mother who came and bailed him out for \$25.00...

35. On 07/14/90 I filed a formal complaint with internal affairs area-B-2 against the aforementioned OFFICERS.

36. At all times during the events described above, the defendant police officers were engaged in a joint venture. The individual officers assisted each other in performing the various actions described and lent their physical presence and support and the authority of their office to each other during the said events.

37. As a direct and proximate result of the said acts of the defendant Officers, the plaintiff Gregory C. Milton suffered the following injuries and damages:

- a. Violation of his constitutional rights under the fourth and fourteenth amendments to the United States Constitution to be free from an unreasonable search and seizure of his person;
- b. Loss of his physical liberty;
- c. Physical pain and suffering and emotional trauma and suffering, requiring the expenditure of money for treatment.

38. The actions of the defendant Officers violated the following clearly established and well settled federal constitutional rights of Gregory C. Milton:

- a. Freedom from the unreasonable seizure of his person;
- b. Freedom from the use of excessive, unreasonable and unjustified force against his person.

COUNT 1

42 U.S.C. section 1983 Against Individual Defendants

39. Paragraphs 1 through 38 are incorporated herein by reference as though fully set forth.

40. Plaintiff Milton claims damages for the injuries set forth above under 42 U.S.C. section 1983 against defendants Officer Jones, Sergeant Garcia, and badge number # 1762 for violation of his constitutional rights under color of law.

COUNT 2

Assault and Battery Against Individual Defendants

41. Paragraphs 1 through 38 are incorporated herein by reference as though fully set forth.

42. Defendants Officer Jones, Sergeant Garcia, and badge number # 1762 assaulted and battered Gregory C. Milton.

43. As a result of this assault and battery, plaintiff Milton suffered damages aforesaid.

COUNT 3

False Arrest and Illegal imprisonment Against Individual Defendants

44. Paragraphs 1 through 38 are incorporated herein by reference as though fully set forth.

45. Defendants Officer Jones, Sergeant Garcia, and badge number # 1762 illegally arrested and illegally imprisoned Gregory C. Milton.

46. As a result of this false arrest and illegal imprisonment, the plaintiff suffered the damages as aforesaid.

COUNT 4

42 U.S.C. SECTION 1983 Against City of Boston

47. Paragraphs 1 through 38 are incorporated herein by reference as though fully set forth.

48. Prior to 07/13/1990, the City of Boston developed and maintained policies or customs exhibiting deliberate indifference to the constitutional rights of persons in Boston, which caused the violation of

Gregory C. Milton's rights.

49. It was the policy and/or custom of the city of Boston to inadequately and improperly investigate citizen complaints of police misconduct, including, but not limited to, the following incidents:

a. [Omission and/or destruction of evidence pertaining to f.y. 1988 and f.y. 1990 false arrests and brutality incidents]

50. It was the policy and/or custom of the City of Boston to inadequately supervise and train its police officers, thereby failing to adequately discourage further constitutional violations on the part of its police officers. The City did not require appropriate in-service training or retraining of officers who were known to have engaged in police misconduct.

51. As a result of the above described policies and customs, police officers of the City of Boston, including the defendant officers, believed that their actions would not be properly monitored by supervisory officers and that misconduct would not be investigated or sanctioned, but would be tolerated.

52. The above described policies and customs demonstrated a deliberate indifference on the part of policymakers of the City of Boston to the constitutional rights of persons within the City, and were the cause of the violations of plaintiffs rights alleged herein.

WHEREFORE, the plaintiff requests that this court:

- a. Award compensatory damages to plaintiff against the defendants, jointly and severally;
- b. Award costs of this action to the plaintiff;
- c. Award reasonable attorney's fees and cost to the plaintiff on counts 1 and 4 of the complaint;
- d. Award of 60 Million Dollars to Plaintiff (MILTON).
- e. Award such other and further relief as this court may deem appropriate. The plaintiff hereby demands a jury trial. Dated: 03/03/2004

THE PLAINTIFF,
BY

Gregory C Milton

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